

Message Text

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TAGS: CVIS, CASC, CSCE, CGEN, PFOR, UR, US

SUBJECT: CONSULAR REVIEW TALKS - FOURTH WORKING SESSION

REF: MOSCOW 13495

1. CONSULAR COUNSELOR AND VICE-CONSUL NAPPER ATTENDED AUGUST 27 WORKING SESSION OF CONSULAR REVIEW TALKS WHICH WAS HOSTED BY SEVENMAN GROUP. SOVIET GROUP HEADED BY REZNICHENKO. US DIE DISCUSSED AGENDA ITEM ON SUBMISSION OF VISA APPLICATIONS BY MFA WHILE SOVIET GROUP RAISED AGENDA ITEMS ON TAXATION AND ON ISSUANCE OF VISAS TO AMTORG PERSONNEL IN US.

2. WITH REGARD TO US AGENDA ITEM ON SUBMISSION OF VISA APPLICATIONS BY MFA, US APPROACH EMPHASIZED TECHNICAL AND PROCEDURAL NATURE OF PROBLEM AND INCLUDED SEVERAL CONCRETE SUGGESTIONS FOR IMPROVING QUALITY OF INFORMATION INCLUDED BY MFA ON VISA REQUEST FORM SUBMITTED TO EMBASSY. FOR EXAMPLE, US SIDE PRESENTED DRAFT REVISED VISA REQUEST FORM WHICH INCLUDED QUESTION DESIGNED TO PROVIDE EMBASSY WITH COMPLETE INFORMATION ON US SPONSORS OF SOVIET VISA APPLICANTS. SAMPLE FORM ALSO INCLUDED QUESTION IN WHICH SOVIETS GOING TO US ON PERMANENT ASSIGNMENT TO SOVIET CONSULATES GENERAL, AND OTHER PERMANENT REPRESENTATIONS WOULD BE ASKED TO INDICATE WHETHER THEY WILL FILL

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A NEW POSITION OR REPLACE SOMEONE ALREADY ASSIGNED. INCLUSION OF

THIS INFORMATION ON QUESTIONNAIRE WOULD REPLACE CURRENT PRACTICE IN WHICH EMBASSY INFORMALLY REQUESTS AND MFA INFORMALLY PROVIDES THIS INFORMATION.

3. US SIDE ALSO EMPHASIZED IMPORTANCE OF TIMELY SUBMISSION OF VISA REQUESTS POINTING OUT INSTANCES IN WHICH SEVERAL DAYS HAD ELAPSED BETWEEN COMPLETION OF APPLICATION FORM AND SUBMISSION OF APPLICATION TO EMBASSY UNDER COVER OF MFA NOTE. FINALLY, EMBOFFS REITERATED LONG-STANDING PROBLEMS INVOLVING DEFICIENCIES IN PREPARATION OF CREW LISTS BY MFA.

4. REZNICHENKO'S REPLY INDICATED THAT SOVIETS CONSIDER ISSUES RAISED BY EMBASSY TO BE SUBSTANTIVE RATHER THAN TECHNICAL. FOR INSTANCE, HE STATED THAT EMBASSY'S REQUEST FOR SUBMISSION OF ADDITIONAL INFORMATION ON VISA APPLICATIONS IS NOT CONSISTENT WITH CSCE FINAL ACT PROVISIONS ON SIMPLIFICATION OF VISA ISSUANCE PROCEDURES. REZNICHENKO TOOK PARTICULAR ISSUE WITH EMBASSY'S REQUEST THAT SOVIETS APPLYING FOR VISAS TO SOVIET CONSULATES GENERAL AND OTHER PERMANENT REPRESENTATIONS INDICATED WHETHER THEY WILL OCCUPY NEW POSITION OR REPLACE SOMEONE ALREADY ASSIGNED. HE CITED VIENNA CONVENTION OF 1961 TO EFFECT THAT SENDING STATE HAS RIGHT TO DETERMINE SIZE OF ITS DIPLOMATIC REPRESENTATION IN RECEIVING COUNTRY AND STATED THAT ONE REASON FOR SOVIET REFUSAL TO ADHERE TO VIENNA CONVENTION OF 1963 WAS FAILURE OF THAT DOCUMENT TO INCLUDE SIMILAR PROVISION CONCERNING CONSULATES GENERAL. MOREOVER, THE US/USSR CONSULAR CONVENTION PROVIDES FOR NO NUMERICAL LIMITATION ON ASSIGNMENT OF PERSONNEL BY SENDING STATE TO ITS CONSULATES GENERAL IN RECEIVING STATE AND SOVIET EMBASSY DOES NOT REQUEST US PERSONNEL ASSIGNED TO CONSULATES GENERAL TO PROVIDE NAMES OF PERSONS THEY ARE REPLACING.

5. EMBOFFS REPLIED THAT SOVIET SIDE WAS INJECTING SUBSTANTIVE ISSUE INTO WHAT US SIDE WAS PROPOSING AS TECHNICAL MEANS OF EXPEDITING US VISA ISSUANCE PROCEDURE. CONSULAR COUNSELOR POINTED OUT THAT IN ANY CASE THERE IS, IN FACT, A MUTUALLY AGREED STAFF LIMITATION ON COMMERCIAL REPRESENTATIONS. SO FAR AS CONCERNS CONGENS, HE NOTED THAT DCM AND MFA USA DIVISION DEPUTY CHIEF KOMPLEKTOV REACHED A MODUS VIVENDI REGARDING THE CONGEN PERSONNEL QUESTION DURING TALKS ON THE SUBJECT LAST NOVEMBER. US SIDE VIEWS ITS PROPOSAL FOR PROVIDING ADDITIONAL INFO ON VISA REQUEST FORM AS LIMITED OFFICIAL USE

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SIMPLY TECHNICAL MEANS OF EXPEDITING VISA ISSUANCE WITHOUT ALTERING SUBSTANTIVE STATUS QUO. SOVIET SIDE AGREED TO STUDY EMBASSY'S SUGGESTED VISA REQUEST FORM AS WELL AS POINTS ON TIMELINESS OF SUBMISSION AND COMPLETE PREPARATION OF CREW LISTS.

6. SOVIET PRESENTATION OF AGENDA ITEM ON TAXATION CONCENTRATED ON PROBLEMS OF SOVIET PERSONNEL ASSIGNED TO SAN FRANCISCO CONSULATE GENERAL WHO ARE NOW REQUIRED TO PAY CALIFORNIA STATE TAX. REZNI-

CHENKO EMPHASIZED THAT SOVIETS SHOULD BE EXEMPT FROM SUCH TAXES IN ACCORDANCE WITH 1961 VIENNA CONVENTION AND US/USSR CONSULAR CONVENTION. WHILE MFA IS AWARE OF US PROBLEM IN OBTAINING COMPLIANCE OF STATE GOVERNMENTS, REZNICHENKO POINTED OUT THAT CONSULAR CONVENTION EXEMPTION FROM TAXATION OF US AND SOVIET DIPLOMATS EXTENDS TO LOCAL AS WELL AS NATIONAL GOVERNMENTS AND REQUESTED THAT US ENSURE COMPLIANCE BY CALIFORNIA. DRAWING ON GUIDANCE PROVIDED PARA 4, STATE 52029, U SIDE REPLIED THAT DEPARTMENT HAS BEEN SUCCESSFUL IN OBTAINING AGREEMENT OF MANY STATE GOVERNMENTS TO EXEMPT SOVIET DIPLOMATS FROM STATE TAXES, AND THAT DEPARTMENT IS ACTIVELY SEEKING SIMILAR AGREEMENT BY CALIFORNIA AUTHORITIES.

7. REZNICHENKO THEN RAISED AGENDA ITEM ON VISA ISSUANCE TO AMTORG PERSONNEL, INDICATING SOVIET UNHAPPINESS WITH TIME-CONSUMING AND CUMBERSOME "L" VISA PROCEDURES. HE HARKED BACK TO THE GOOD OLD DAYS PRIOR TO 1974 WHEN AMTORG PERSONNEL WERE ISSUED "A-2" AND "B-1" VISAS AND PROTESTED 3-4 MONTH WAIT NOW EXPERIENCED IN OBTAINING OR EXTENDING "L" VISAS. CONSULAR ADMINISTRATION FIRST SECRETARY BORIKOV THEN INTERJECTED THAT AMTORG OFFICIALS ALSO RESENT STANDING IN LINE AT INS TO HAVE "L" PETITIONS APPROVED OR REVALIDATED. DRAWING ON GUIDANCE PROVIDED STATE 74720, EMBOFFS REPLIED THAT, WHILE "L" VISA PROCEDURES ARE MATTER OF LAW WHICH MUST BE ADHERED TO, WE WOULD INQUIRE CONCERNING POSSIBILITY OF FACILITATING AND EXPEDITING PETITION PROCESSING BY INS.

8. ACTION REQUESTED: EMBASSY WOULD APPRECIATE KNOWING STATUS OF DEPARTMENT EFFORTS TO OBTAIN AGREEMENT OF CALIFORNIA AUTHORIZATION RE EXEMPTION FROM LOCAL TAXATION OF SOVIETS ASSIGNED TO SAN FRANCISCO CONGEN. DEPARTMENT IS ALSO REQUESTED TO RAISE MATTER OF PROCESSING TIME FOR "L" PETITIONS WITH INS, CITING SOVIET CLAIM THAT 3-4 MONTH DELAYS HAVE BEEN EXPERIENCED IN OBTAINING "L" LIMITED OFFICIAL USE

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STATUS.

9. NEXT SESSION OF CONSULAR REVIEW TALK WILL BE HELD SEPTEMBER 1 AND WILL COVER REMAINING US AND SOVIET AGENDA ITEMS. US SIDE WILL DISCUSS CONSULAR IMPLICATIONS OF CSCE FINAL ACT WHILE SOVIET SIDE WILL DISCUSS STATUS OF FAMILY MEMBERS OF ADMINISTRATIVE-TECHNICAL PERSONNEL OF SOVIET REPRESENTATIONS IN US AND CITIZENSHIP OF CHILDREN BORN IN US TO FAMILIES OF SOVIET PERSONNEL. STOESEL

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